

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA**

BROOKE BOGGS,)
Plaintiff,)
v.) CIVIL ACTION NO.: 1:25-cv-00226-C
A RESTAURANT GROUP, L.L.C.,)
Defendant.)

COUNSEL'S EXPLANATION FOR FAILURE TO APPEAR AT HEARING

With apologies to both the Court and opposing counsel, the undersigned sets forth the following in explanation for his failure to appear at the September 2, 2025 telephone conference:

1. As set out in Defendant's Motion to Set Aside Default Judgment, Counsel was unable to access his Pacer account, or communicate by telephone with a Pacer representative, on August 21, 22 and 25.
2. On August 26 Counsel received a phone call from the Court's Case Administrator, Ms. Fatemeh Zakermosala, graciously offering assistance.
3. Despite Ms. Zakermosala assistance, Counsel remained unable to access Pacer throughout the day of August 26.
4. In the course of this August 26 conversation with Ms. Zakermosala, Counsel was therefore advised: (i) to email Defendant's Answer (Doc. 13) directly to Ms. Zakermosala and (ii) to report to the Clerk's office the following day, August 27 (laptop computer in hand) to find out exactly what was preventing access to Pacer.
5. Counsel met with Ms. Zakermosala in the Clerk's office on August 27 and access to Pacer was restored.
6. During this August 27 meeting, Counsel was also provided (by hand delivery) a copy of the

Court's August 21 order granting entry of default against Defendant.

7. Because Defendant's August 26 Answer was electronically filed by the Clerk's office (and not directly by Counsel), Counsel did not actually appear on the Courts matrix until he electronically filed Defendant's Motion to Set Aside Default (Doc. 15), the afternoon of August 28.
8. The Court's Order setting the September 2 Telephone Conference (Doc. 14) was apparently entered earlier the same day (August 28). As a result, Counsel never received and was wholly unaware of the September 2 setting.

Respectfully submitted, September 2, 2025.

/s/ T. Deven Moore (MoorT2034)

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